

Serial No.: 10/577.959
Examiner: Lee S. Cohen
Reply to Office Action Mailed June 16, 2008
Page 5 of 10

Amendments to the Drawings:

The attached sheet of drawings includes changes to Figs. 5(a) and 5(b). Sheet 5 of 5, which includes Figs. 5(a) and 5(b), replaces the original sheet including Figs. 5(a) and 5(b).

In amended Figs. 5(a) and 5(b), the legend "Prior Art" has been added to the figures.

Attachment: Replacement Sheet (1)

Serial No.: 10/577,959
Examiner: Lee S. Cohen
Reply to Office Action Mailed June 16, 2008
Page 6 of 10

REMARKS

Reconsideration is requested in view of the above amendments and the following remarks. Claim 1 has been revised to include the features of claims 5 and 8, and further includes "the second segment being sized to have a substantially same length and shape as the first segment." Further support for the revisions can be found at, for example, Figs. 1, 3, among other places. Claim 9 has been revised to depend from claim 1. Claim 10 has been editorially revised. New independent claim 11 has been added. Claim 11 tracks original claims 1, 3, 4 and 10. Further support for claim 11 can be found in the fourth full paragraph on page 10 and the third full paragraph on page 14 of the specification, among other places. Claims 5 and 8 have been canceled without prejudice. Claims 1-4, 6-7 and 9-11 are pending in the application.

Claim Rejections – 35 USC § 112

Claim 10 is rejected under 35 USC § 112, second paragraph, as being indefinite because of an improper Markush recital. Claim 10 has been editorially revised to address the issue. Withdrawal of the rejection is respectfully requested.

Claim Rejections – 35 USC § 102

Claims 1-6, 8 and 10 are rejected under 35 USC § 102(b) as being clearly anticipated by Kroll et al. (US 4,763,660). Applicants respectfully traverse this rejection. Claim 1 has been revised to include the features of claims 5 and 8, and further includes "the second segment being sized to have a substantially same length and shape as the first segment." Claims 5 and 8 have been canceled without prejudice. Applicants are not conceding the correctness of the rejection.

Claim 1 requires a wiring including a first segment and a second segment disposed at opposite positions across a split induction part, wherein the second segment is sized to have a substantially same length and shape as the first segment. Kroll et al. fail to disclose the second segment sized to have a substantially same length and shape as the first segment, as required by claim 1. In fact, as shown in Figs. 2 and 4, Kroll et al. discuss a flexible electrode belt 20 having a main body 21, and adjustable members 22

Serial No.: 10/577,959
Examiner: Lee S. Cohen
Reply to Office Action Mailed June 16, 2008
Page 7 of 10

affixed to the main body 21 permanently at one end and partially separable from the main body 21 (see Kroll et al., col. 4, lines 37-41). The adjustable members 22 in Kroll et al. may be loose or removably affixed to the main body 21 by perforations (see Kroll et al., col. 4, lines 59-67). Kroll et al. are completely silent as to a wiring including a first segment, much less a second segment sized to have a substantially same length and shape as the first segment. Even assuming arguendo that the lines between the adjustable members 22 and the main body 21 in Kroll et al. suggest split induction parts, the main body 21 is not sized to have the substantially same length and shape as the adjustable members 22, as required by claim 1.

For at least these reasons, claim 1 is patentable over Kroll et al. Claims 2-4, 6 and 10 depend ultimately from claim 1 and are patentable along with claim 1 and need not be separately distinguished at this time. Applicants are not conceding the relevance of the rejection to the remaining features of the rejected claims.

Claims 1-6 and 10 are rejected under 35 USC § 102(b) as being clearly anticipated by Kornrumpf et al. (US 6,415,169). Applicants respectfully traverse this rejection. Claim 5 has been canceled without prejudice. Claim 1 has been revised to include the features of claim 8, which is not subject to this rejection. Thus, claim 1 and its dependent claims are not subject to this rejection. Applicants are not conceding the correctness of the rejection.

Claims 1-6, 8 and 10 are rejected under 35 USC § 102(b) as being clearly anticipated by Istvan et al. (US 7,197,357). Applicants respectfully traverse this rejection. Claim 1 has been revised to include the features of claims 5 and 8, and further includes "the second segment being sized to have a substantially same length and shape as the first segment." Claims 5 and 8 have been canceled without prejudice. Applicants are not conceding the correctness of the rejection.

Claim 1 requires a split induction part to include a perforated break line. Istvan et al. fail to disclose the perforated break line as required by claim 1. In fact, Istvan et al. discuss expandable arms 50 and 56 die cut provided in a continuous serpentine pattern

Serial No.: 10/577,959
Examiner: Lee S. Cohen
Reply to Office Action Mailed June 16, 2008
Page 8 of 10

(see Istvan et al., Fig. 3 and col. 4, lines 32-33). The rejection refers to the perforated seam discussed at col. 4, line 55 of Istvan et al. as teaching the perforated break line required by claim 1. However, the perforated seam in Istvan et al. is used to keep the extension arm 58, rather than the expandable arm 50 or 56, secured to the linear run 54 (see Istvan et al., Fig. 3 and col. 4, lines 48-56). Istvan et al. fail to disclose any mechanism for connecting sides of adjacent folds of the continuous serpentine shape expandable arm 50 or 56. Nowhere do Istvan et al. indicate that the adjacent folds of the serpentine shape expandable arm 50 or 56 are connected via perforated seams. Therefore, Istvan et al. are distinct from the invention of claim 1.

For at least these reasons, claim 1 is patentable over Istvan et al. Claims 2-4, 6 and 10 depend ultimately from claim 1 and are patentable along with claim 1 and need not be separately distinguished at this time. Applicants are not conceding the relevance of the rejection to the remaining features of the rejected claims.

Claim Rejections – 35 USC § 103

Claim 7 is rejected under 35 USC 103(a) as being unpatentable over Kornrumpf et al. Applicants respectfully traverse this rejection. Claim 7 depends from claim 1 and will be discussed below along with claim 1.

Claims 7 and 9 are rejected under 35 USC 103(a) as being unpatentable over either Kroll et al. or Istvan et al. Applicants respectfully traverse this rejection.

Claims 7 and 9 depend ultimately from claim 1 and are patentable over Kroll et al. for at least the same reasons discussed above regarding claims 1-6, 8 and 10. Istvan et al. do not remedy the deficiencies of Kroll et al.

Also, claims 7 and 9 depend ultimately from claim 1 and are patentable over Istvan et al. for at least the same reasons discussed above regarding claims 1-6, 8 and 10. Kroll et al. do not remedy the deficiencies of Istvan et al.

Applicants are not conceding the relevance of the rejection to the remaining features of the rejected claims.

Serial No.: 10/577,959
Examiner: Lee S. Cohen
Reply to Office Action Mailed June 16, 2008
Page 9 of 10

Claims 8 and 9 are rejected under 35 USC 103(a) as being unpatentable over Kornrumpf et al. in view of Kroll et al. Applicants respectfully traverse this rejection. Claim 8 has been canceled without prejudice. Claim 1 has been revised to include the features of claims 5 and 8, and further includes "the second segment being sized to have a substantially same length and shape as the first segment." Applicants are not conceding the correctness of the rejection.

Kornrumpf et al. discuss a multiple electrode assembly 10 including extendible electrodes 14 connected to extendable portions 22 (see Kornrumpf et al., Figs. 1 and 7-9, and col. 2, lines 19-36). As shown in Figs. 2-6, each extendable portion 22 includes an electrically conductive interconnection 28 (see Kornrumpf et al., col. 2, lines 64-66). That is, each extendable portion 22 includes a wiring 28 as shown in Figs. 1-9. The extendable portion 22 including the wiring 28 is patterned in a continuous serpentine shape with temporary connective regions 37 for connecting sides of adjacent folds of the continuous serpentine shape extendable portion 22 (see Kornrumpf et al., col. 4, lines 6-11).

On the other hand, Kroll et al. discuss an adjustable side member 22 affixed to a main body 21 of a flexible electrode belt 10 via perforations (see Kroll et al., col. 4, lines 37-41 and 59-68 and Figs. 2 and 4). The perforations are used to connect the adjustable side member 22 to the main body 21, rather than to connect sides of adjacent folds of a wiring (see Kroll et al., col. 4, lines 59-68). There is no reasonable basis for modifying the temporary connective regions 37 by using the perforations of Kroll et al., because the perforations of Kroll et al. are not used for connecting adjacent folds of a continuous serpentine shape wiring. Nor does the present record suggest that perforations be used to connect any adjacent folds of a serpentine shape wiring.

For at least these reasons, claim 1 is patentable over Kornrumpf et al. in view of Kroll et al. Claims 2-4, 6-7 and 9-10 depend from claim 1 and are patentable along with claim 1 and need not be separately distinguished at this time. Applicants are not conceding the relevance of the rejection to the remaining features of the rejected claims.

Serial No.: 10/577,959
Examiner: Lee S. Cohen
Reply to Office Action Mailed June 16, 2008
Page 10 of 10

Objections to the Drawings

Figs. 5(a), 5(b) are objected to as requiring a "Prior Art" legend. Figs. 5(a), 5(b) have been revised to include a "PRIOR ART" legend. Withdrawal of the objection is respectfully requested.

New independent claim 11 requires at least a part of a wiring to include a first soft member where a base material is disposed, and a second soft member laminated on a circuit of the wiring, wherein one of the first and second soft members includes at least one selected from the group consisting of a nonwoven fabric, a foamed material, an olefin film, a vinyl chloride film, and a polyurethane film. The present record fail to teach or suggest a wiring including a first or a second soft member, much less one of the first and second soft members including at least one selected from the group consisting of a nonwoven fabric, a foamed material, an olefin film, a vinyl chloride film, and a polyurethane film. In fact, the reference disclosures are completely silent as to a soft member. Therefore, Applicants submit that claim 11 is patentable over the references of record.

In view of the above, favorable reconsideration in the form of a notice of allowance is respectfully requested. Any questions regarding this communication can be directed to the undersigned attorney, Douglas P. Mueller, Registration No. 30,300, at (612) 455-3804.

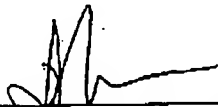
Respectfully submitted,

HAMRE, SCHUMANN, MUELLER &
LARSON, P.C.
P.O. Box 2902-0902
Minneapolis, MN 55402-0902
(612) 455-3800



Dated: August 28, 2008

By:


Douglas P. Mueller
Reg. No. 30,300

DPM/cy